

WORKSHOP REPORT

ROLES & DUTIES OF PARA-LEGAL VOLUNTEERS¹

2nd May, 2017

Methodology

The training was aimed at training the Para-Legal Volunteers appointed by the DLSA, Howrah throughout the district to man the front office of the DLSA & SDLSC, Police Stations, Correctional Homes and Block Level Offices. In the past, a few had shared their inability to understand their roles and responsibilities in carrying out their function. Furthermore, they had shown their inability to record and document case information.

In addition, it was an interactive platform which encouraged Para-Legal Volunteers to share their own stories and experiences where they effectively mediated solutions or proceeded to assist persons to effectively access the legal procedures and remedies.

In brief, the training looked at the following aspects:

- ✓ Sensitization towards the fair trial rights
- ✓ Identification and Imparting of appropriate knowledge with respect to the roles and duties of the Para-Legal Volunteers
- ✓ Sharing and enabling Para-Legal Volunteers to carry out their functions both at the Correctional Homes and Police Stations
- ✓ Enabling knowledgeable and informed interventions in the form of documentation to be maintained
- ✓ Formulation of a formal channel in order to find solutions towards creating access to justice

The training commenced with a round of introductions and rationale for the Training Programme by Madhurima Dhanuka, Consultant, Prison Reforms Programme, CHRI. The sessions commenced with firstly discussing the Fair Trial Rights assured to accused which were inviolable by Amrita Paul, Programme Officer, CHRI. Thereafter, the role and duty of a Para-Legal Volunteer as envisioned in the Revised Scheme of the NALSA was discussed.

¹ Prepared by Amrita Paul, Prison Reforms Programme, CHRI.

INTRODUCTION & PURPOSE

Commonwealth Human Rights Initiative (CHRI), in collaboration with District Legal Services Authority (DLSA) Howrah, organized a one day workshop for all the Para-Legal Volunteers appointed by DLSA, Howrah for Howrah District on 'Roles & Duties of Para-Legal Volunteers'. It was held at the Patherdabi, New Collectorate Building, Howrah on 2nd May 2017.

To ensure equal access, the Legal Services Authorities Act 1987 was framed to constitute legal services authorities to provide free and competent legal services to the weaker sections of the society to ensure that opportunities for securing justice are not denied to any citizen by reason of economic or other factors.

In 2010, the Chief Justice of India set up a National Committee for Paralegal Training and Legal Aid Activities.

Pursuant to its vision, the National Legal Services Authority framed its Paralegal Volunteer Scheme where it was stated that:

'Paralegal volunteers help the poor and disadvantaged to free them from the stranglehold of the mighty and powerful for protecting their legal rights. The ultimate object of paralegal volunteers is to help the legal services institutions established under the Legal Services Authorities Act, 1987 for bringing the voice of the voiceless to be heard and to get their grievances redressed. It is indeed a part of the preventive and strategic legal aid programme contemplated under Section 7 (2) (c) of the Legal Services Authorities Act, 1987.'

Mr. Arvind Mishra, District Legal Services Authority, Howrah also shared his views regarding the active role of the Para-Legal Volunteers be it at the front office, Correctional Homes, Police Stations or Block Level Offices. He reminded the Para-Legal Volunteers that they are the eyes and ears of the Legal Services Authority and without their assistance common people would not be able to approach him and his office without any fear and prejudice. The participants were very receptive of the ideas and responded very positively and shared their experiences on the ground.

Description

The first session began with CHRI's introduction of its work in West Bengal followed by the purpose of the training, detailing on structure of the day's proceedings and the expected outcome.

Moving on, CHRI highlighted the need for an active involvement of the Para-Legal Volunteers as they were 'indispensable'. Due to the number of people, Para-Legal Volunteers meet regarding a gamut of problems which either they are able to find solutions to themselves, or they refer it for mediation or institution of legal proceedings. The Training Programme commenced with expounding the Fair Trial Rights guaranteed to the accused, the role and duties of the Para-Legal Volunteers were discussed. For each Fair Trial Right, the origin, mandate and rationale was explored and discussed with the participants.

Addressing the core issue of who is a Para-Legal Volunteers?; what is the need to appoint Para-Legal Volunteers?; how are they different from lawyers?; what are the qualities and skills of Para-Legal Volunteers?; and what is their operational sphere of working? . Participants shared their views on each of these important issues as it would help them to understand their indispensable character. A Paralegal is a community-based person who volunteers to work in empowering people to assert and realize their rights and to provide legal assistance for the access of marginalized communities to the justice system. The need of the paralegals is felt as key stakeholders such as lawyers and legal service institutions are not adequate enough to cater legal aid to people in writ large as they do not have grassroots network for community outreaching. Access to Justice of the marginalized people is major challenge in India. The greatest barriers to the Access to Justice for the Marginalized People are lack of legal awareness, inaccessibility of legal aid system and absence of support services at the community level, which the community Paralegals can certainly fill up. Acting as intermediaries to bridge the gap between the common people and the Legal Services Institutions to remove the impediments in access to justice, their presence is most needed.

Elucidating the qualities of Para-Legal Volunteers² in Fig 1, the participants identified communication skills, empathy, trustworthy, compassion, tactful, patient among many others. The same can be graphically represented as

² Committee for Legal Aid to Poor, *Handbook for Paralegal Volunteers Training*, UNDP & Government of India; available at <http://www.clapindia.org/images/Handbook%20for%20PLV%20Training.pdf> at p.10

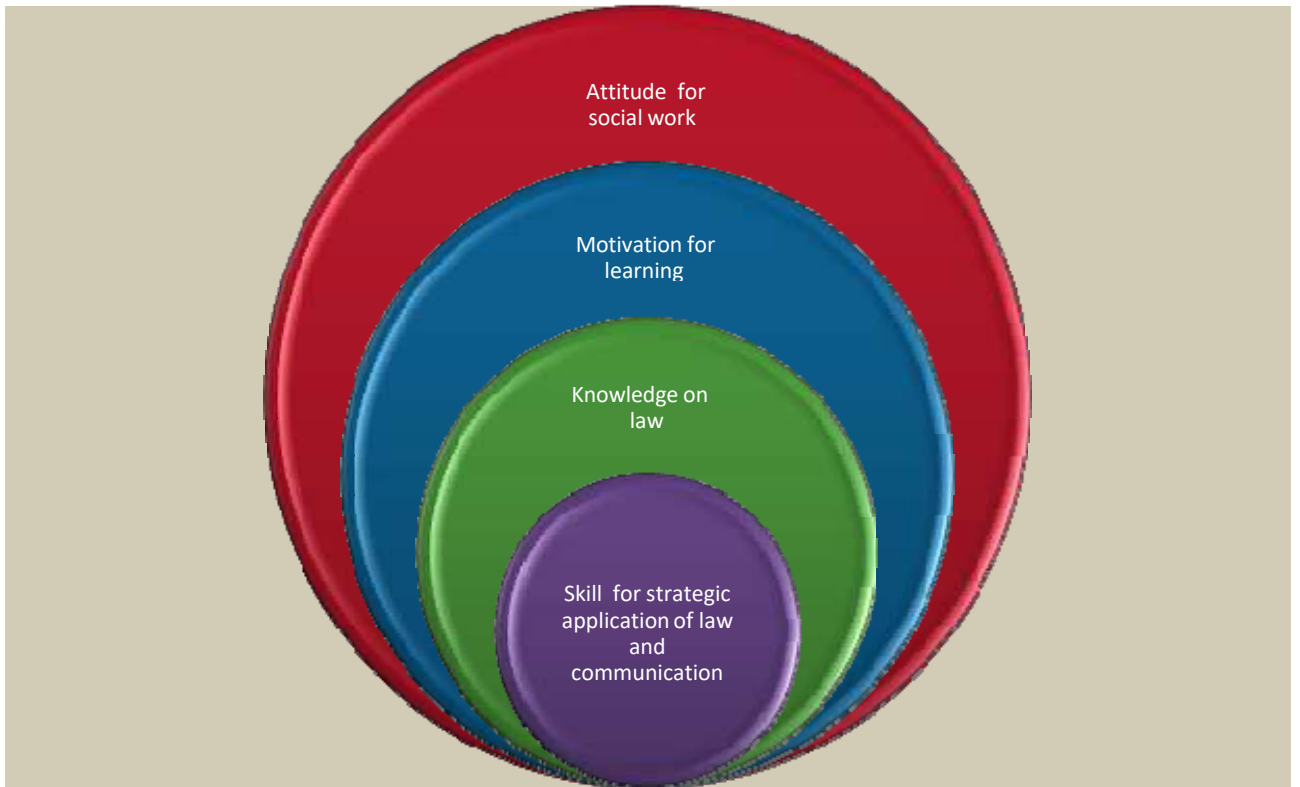


Fig 1

Further, to understand the exact operational sphere of the working of Para-Legal Volunteers, the following graph (Fig 2) was particularly identified with:

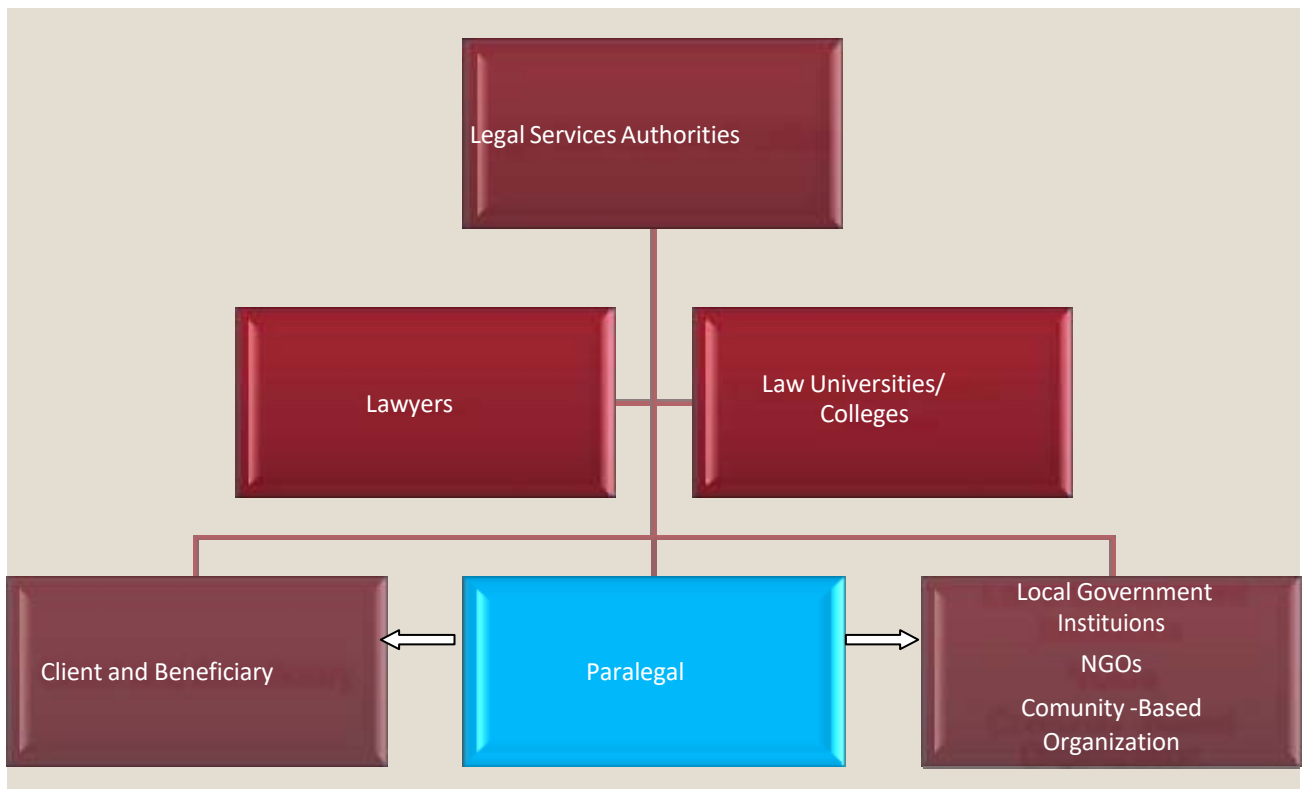


Fig 2

This was particularly helpful to chart out to the Para-Legal Volunteers their key presence in the system and the undeniable advantage that they enjoy. This must be harnessed to ultimately benefit the needy. Due to the strong presence of the Para-Legal Volunteers among the Legal Services Authority (by way of appointment), Lawyers (by way of regular communication), Clients, Law Universities/ Colleges & Local Government Institutions, NGO's and other community based organizations, the act as the bridge through which information and action based work can be carried on.

So, in conclusion the following succinctly describes their roles, knowledge and required skills (Fig 3):

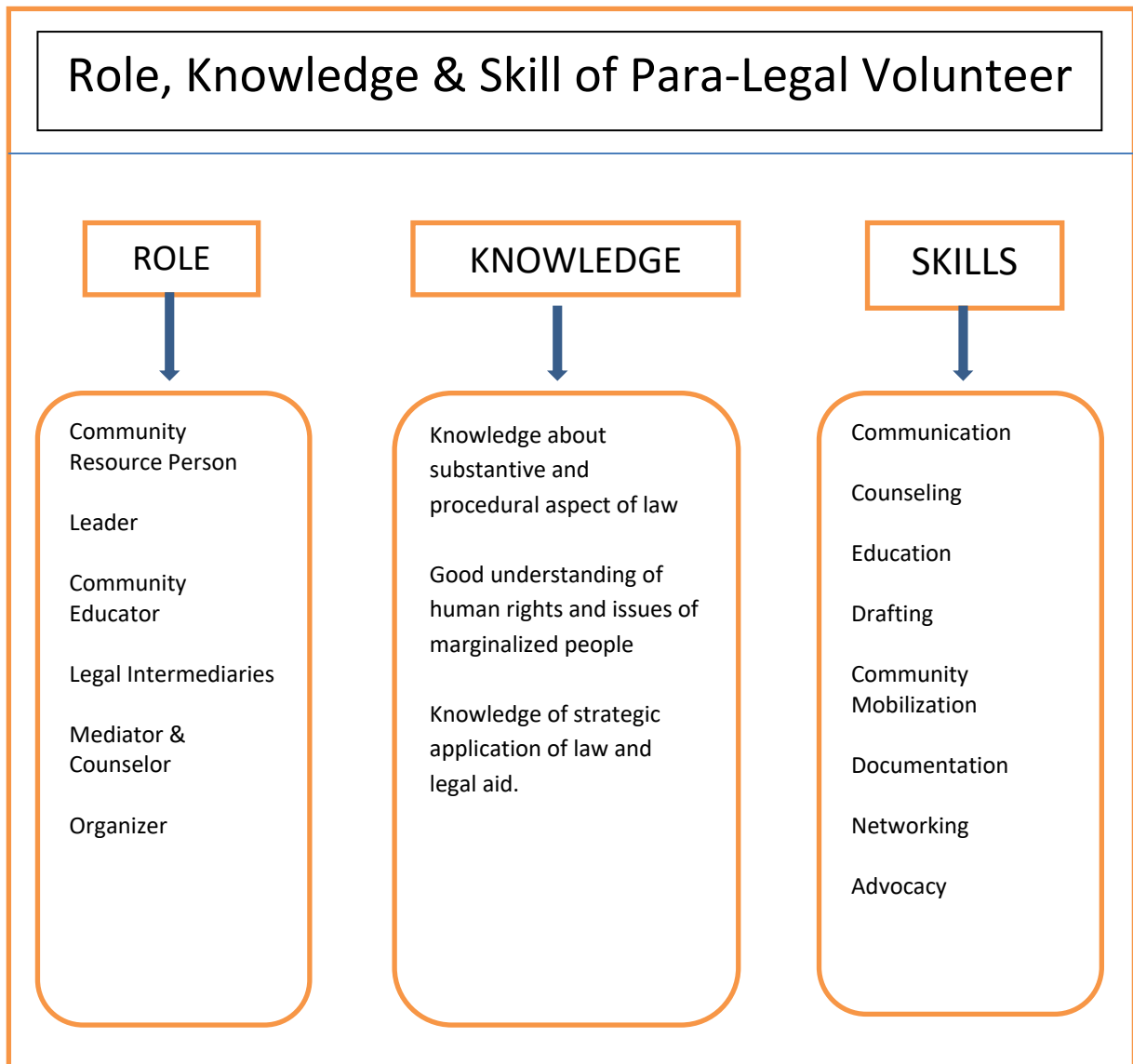


Fig 3

Envisaged Roles of Paralegal Volunteers

- Para-Legal Volunteers to work in the 'Front Offices' of the DLSA/TLSCs - The Secretary, DLSA or TLSC may depute one or more PLVs to operate the 'front offices' of the legal services institutions.
- Para-Legal Volunteers to work in the 'Legal Aid Clinics' of the DLSA/TLSCs - The Secretary, DLSA or TLSC may depute PLVs in the Legal Aid Clinics set up under the National Legal

Services Authority (Legal Aid Clinics) Regulations, 2011. The PLVs engaged in the Legal Aid Clinics shall function in such clinics in accordance with the provisions of the aforesaid regulations.

- Para-Legal Volunteers to assist in the legal literacy classes and camps - The PLVs in consultation with the nearest legal services institutions shall organise micro-legal literacy camps in the area of their operation by organising legal literacy classes for small groups of persons including labourers, women, children members of SC/ST etc. It shall be the duty of the PLVs to distribute information booklets and other publications of the Legal Services Authorities during the legal literacy classes.
- Resolving local disputes through ADR mechanism - The PLVs shall take efforts to bring the parties of the locality involved in disputes, to settlement, by using the machinery of Lok Adalat, Mediation or Conciliation at the District ADR Centers. If no District ADR Center has been set up in the District, the legal services institutions shall take steps for organising a suitable ADR mechanism like Lok Adalat, mediation, conciliation etc. in the village itself in coordination with the PLVs. The PLVs who bring such cases to the ADR process shall be entitled to receive the prescribed honorarium on the day when such proceedings are held.
- Para-Legal Volunteers in Jails.
 1. He/ she armed with authorization from the DLSA/TLSC visit jails, lockups, psychiatric hospitals, children's homes/observation homes and ascertain the legal service needs of the inmates and thereafter intimate the requisite authorities. They may also intimate regarding the absence noticed of basic essential necessities with special emphasis on hygiene.³
 2. A few educated and well-behaved prisoners serving long term sentences in Central Prison/ Correctional Homes and District Prisons/ Correctional Homes may be identified for being trained as Para Legal Volunteers.⁴

Kinds of Information that may be recorded in the Registers maintained by the appointed Para-legal volunteers in the Correctional Home – With the implementation of the Revised Scheme, Para-legal

volunteers – community and/or convict would have been appointed for manning the legal aid clinics. The para-legal volunteers have to maintain registers for reporting to both the panel lawyers as well as to the Secretary, DLSA. Along with the daily activity register, para-legal volunteers; registers containing case details, offences charged with, date of arrest, date of admission, last date of production, next date of production, legal aid lawyer details with contact details, stage of the case, court details, etc. This would be crucial towards maintaining case notes of individual inmates. Additionally, the PLV must maintain the lists of undertrials who would be considered for the Under-Trial Review Committee in the upcoming months, along with regular updation.

³ *Ibid* at p. 11

⁴ *Ibid* at p. 14

COMMONWEALTH HUMAN RIGHTS INITIATIVE

The next session was specifically addressed to the Para-Legal Volunteers working at the Correctional Homes. At the outset, they were apprised of a unique status of inmates/ prisoners being clients or consumer of legal aid services. They are unable to physically travel to the DLSA Office at each District Headquarters due to their being physical limitations upon them, therefore to fulfill the promise of creating access to justice, the community Para-Legal Volunteers would have to visit Correctional Homes at regular dates with fixed timings. A poster 'Legal Aid - Your Right' which encapsulates the situations when an inmate may approach the Para-Legal Volunteers to help him by taking the steps that have also been listed.

The Welfare Officer of Howrah District Correctional Home addressed the gathering and shared his experience when he started the legal aid work in Dum Dum CCH and the manner in which documentation was being maintained. The documentation indicated the basic case details and status of the case presently so that the same may be shared with the inmate. With time, more record management practices grew as appointment letters of legal aid lawyers were being received, follow up of case status with the legal aid lawyers by the Welfare Office.

Ms. Mili Mondal, Community Para-Legal Volunteers, Alipore Womens CH also shared the manner in which she carries out her role and duties. Due to regular presence between fixed hours of the day, she interacts with inmates who are in need to legal aid, maintain basic case details, shares the same with the DLSA Secy, South 24 Parganas for appointment of legal aid lawyer and stays in touch with the panel legal aid lawyer to maintain her case updates which she promptly shares with the inmates. In this regard, she maintains registers at the Correctional Home, DLSA, South 24 Parganas as well as herself. Due to building a channel of communication between the inmates at a Correctional Home with the DLSA Office, the legal aid services delivery can be measured.

CHRI took the opportunity to introduce to the Para-Legal Volunteers, a brief case record that they can maintain in each legal aid case and even be shared with the DLSA Office when the inmate intends to share a piece of information. Further, to assess and measure the work a monthly reporting form was shared which may be filled and shared with the DLSA Office. The handbook shared with the Para-Legal Volunteers also contained a step-by-step guide on the functioning of the legal aid clinic which illustrates the identification of legal aid cases, steps taken by the Para-Legal Volunteers seeking appointment of legal aid lawyers, intimation of the same and thereafter sharing updates of the case with the concerned inmate.

The final session was specifically addressed to the Para-Legal Volunteers working at the Police Stations. CHRI showcased its groundbreaking multimedia tool--"Virtual Police Station" (VPS) to demystify the criminal justice system for the Para-Legal Volunteers. It provides for a detailed understanding of legal procedures and how the police should interact with the people when they come in contact with is essential. This is because the police are at the frontline of the criminal justice system. And that is where the VPS comes in. It is a first-of-its-kind multimedia training tool that

provides information and visuals at the click of a mouse. The VPS makes use of 360-degree video technology. Users can virtually “walk through” every room of a police station and learn the laws and procedures relating to registering complaints, arrest, FIR, Investigation, and more.

Probation Officer’s views: The probation officer then shared his views on how para legal volunteers can assist in the work carried out by the probation office. He said that they can always get in touch with his office for coordinated efforts to pursue certain cases. For instance, where contact needs to be made with family members or in cases mentally ill persons or children in conflict with law, his office can also be of assistance.

Interactive Discussion

Many issues were raised during the interactive discussion time to the panel present i.e. Mr Arvind Mishra, DLSA Secretary, Howrah, Mr Prasun Majhi, Welfare Officer, Howrah DCH, Mr. Raut, Probation officer, Mr. Prosenjit, Office Head Clerk, DLSA, Howrah, Madhurima Dhanuka & Amrita Paul, CHRI.

Legal Aid at Police Station: All the paralegals who are currently posted at Police Stations to ensure provision of legal aid to the needy, stated they have and continue to face certain issues in their functioning:-

1. As they are permitted to visit only once a week and that too for 1-2 hours, it turns out to be very less time for them to ascertain whether all arrested persons have lawyers in compliance with Sec 41D CrPC. Mr Mishra, DLSA Secy, assured that he would try to remedy this, but CHRI must write to SLSA to change this practice.
2. The paralegal volunteers from Uluberia Sub- Division Legal Services Committee (SDLSC) stated that they have not been issued identification cards due to which it becomes difficult for them to intervene as police officers sometime do not allow them. Mr Mishra said he will see that the IDs are issued immediately.
3. Another interesting query posed was whether they could speak to the person in lock-up. Mr. Mishra assured them that though there is no impediment in doing so, however they should strictly not exceed their duties and functions assigned in the Police Station. They should find out whether the person would be needing legal representation or not and assist him in getting one appointed, but to enquire anything more might disturb the system in place and cause friction regressing the status quo.
4. Further, they also wanted to know how to impress upon the police officer to file FIRs when the former was not indulging even after repeated attempts. Mr Mishra explained how that might be beyond their power and role and they should not indulge in such confrontational practices. If they see or face any problem or have a query, they should note all details down and submit reports to DLSA for appropriate action. Being confrontational with police officers might only lead to tensions between both and they may close their doors to their presence. Also the PLVs

did not seem to have knowledge on cognizable and non-cognizable offences, thus without proper knowledge they cannot suggest how the police is to carry out their functions. Thus the paralegal volunteers were informed to take notes immediately intimate the front office or DLSA for further action. A lawyer could then visit and take necessary steps as warranted in each case.

Legal aid at Prisons: Two of the paralegal volunteers who have been appointed to the prison, seemed to be quite clueless about their roles and what steps they would have to undertake. Mr Mishra inquired the issues in legal aid delivery and they stated as follows:-

1. Prison visits are in addition to other responsibilities of manning the front offices for them and therefore they cannot dedicate longer hours. They themselves raised the issue of being given longer duration of work at the Correctional Home. Mr. Mishra noted the issue and accepted that longer and dedicate hours would be needed to bring about changes.
2. The discussion on the Poster for PLVs which would be circulated among the Correctional Home towards legal literacy of prisoners was dicussed with practical steps being elucidated and marked.

Follow Up Steps

1. Share the report with the Secretary, Howrah DLSA to continue having such capacity building exercises and interactions.
2. Follow up with DLSA Howrah to pass requisite orders for streamlining of services rendered by paralegals at police station and prison.
3. Assist the Para-Legal's in finding practical solutions to systemic problems.
4. Share the report with SLSA – Member Secretary, Deputy Secretary to highlight the need of such interactions and trainings and outcomes that would strengthen the system.